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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

FREEMAN, JR. et al.

Serial No.: 10/848,929

Filed: May 18, 2004

Atty. File No.: 1029-358-CIP

For: "IMPROVED EDGEWISE  
ORTHODONTIC BRACKET  
WITH CHARACTER BASE"

**Mail Stop: Amendments**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Group Art Unit: Not Yet Assigned

Examiner: Herewith

**INFORMATION DISCLOSURE  
STATEMENT**

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE  
ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O.  
BOX 1450, ALEXANDRIA, VA 22313 ON THIS 25 DAY OF  
June, 2004.

SHERIDAN ROSS P.C.

BY: *Chasity Rossum*  
Chasity C. Rossum

Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

Copies of the cited foreign patents and/or non-patent references are enclosed herewith.

Copies of the cited U.S. patents and/or U.S. patent application publications are not enclosed

in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.

Copies of the references identified by an asterisk mark are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

Examiner's attention is directed to the following co-pending application(s) for which priority is not being claimed, copies have been or are being submitted:

Serial No. \_\_\_\_\_ filed \_\_\_\_\_ (Atty. Dckt. No. \_\_\_\_\_)

Examiner's attention is directed to the following co-pending application(s), to which the current application claims priority, copies of at least the claims for such pending application are provided or have been provided:

Serial No. 10/284,016 filed October 29, 2002 (Atty. Dckt. No. 1029-358)

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

#### FEES

<input checked="" type="checkbox"/>	<p><b>37 CFR 1.97(b):</b> No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or</li><li><input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or</li><li><input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or</li><li><input type="checkbox"/> Before the mailing of a first Office action after the filing of a Request for Continued Examination (RCE) under 37 CFR 1.114.</li></ul> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p><b>37 CFR 1.97(c):</b> The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ol style="list-style-type: none"><li>(1) a final action under 37 C.F.R. 1.113 or</li><li>(2) a notice of allowance under 37 C.F.R. 1.311, or</li><li>(3) an action that otherwise closes prosecution in the application.</li></ol> <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</li></ul> <p>OR</p> <ul style="list-style-type: none"><li><input type="checkbox"/> A check in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.</li></ul>
<input type="checkbox"/>	<p><b>37 CFR 1.97(d):</b> This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e)</li></ul> <p>AND</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Enclosed is the fee in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.</li></ul> <p>Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</p>



**Certification (37 C.F.R. 1.97(e))**  
(Applicable only if checked)

The undersigned certifies that:

Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

A copy of the communication from the foreign patent office is enclosed.

OR

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

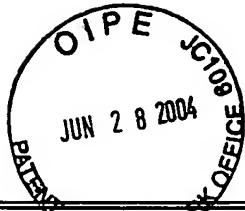
Respectfully submitted,

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Date: 6-25-2004  
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SHEET 1 OF 5

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		ATTY. DOCKET NO. 1029-358-CIP	SERIAL NO. 10/848,929
		APPLICANT FREEMAN, Jr. et al.	
		FILING DATE May 18, 2004	GROUP ART 3732

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
1		6,394,798	5/28/2002	Huff et al.	433	8	
2		6,227,849	5/8/2001	BREHM ET AL.	433	9	
3		6,190,165	2/20/2001	ANDREIKO ET AL.	433	9	
4		6,053,729	4/25/2000	BREHM ET AL.	433	9	
5		5,829,972	11/3/1998	FRAZIN-NIA	433	9	
6		RE35,863	7/28/1998	SACHDEVA ET AL.	433	8	
7		5,746,594	5/5/1998	JORDAN ET AL.	433	9	
8		5,746,592	5/5/1998	NEZU ET AL.	433	8	
9		5,692,898	12/2/1997	ORIKASA ET AL.	433	8	
10		5,622,494	4/22/1997	ANDREIKO ET AL.	433	9	
11		5,618,175	4/8/1997	REHER ET AL.	433	8	
12		5,607,301	3/4/1997	ROMAN	433	8	
13		5,597,302	1/28/1997	POSPISIL ET AL.	433	8	
14		5,595,484	1/21/1997	ORIKASA ET AL.	433	8	
15		5,522,725	6/4/1996	JORDAN ET AL.	433	9	
16		5,470,228	11/28/1995	FRANSEEN ET AL.	433	8	
17		5,441,409	8/15/1995	Tuneberg	433	23	
18		5,322,435	6/21/1994	Pletcher	433	11	
19		5,320,525	6/14/1994	Förster	433	9	
20		5,302,121	4/19/1994	Gagin	433	10	
21		5,302,117	4/12/1994	Kraut et al.	433	21	
22		5,269,680	12/14/1993	KAWAGUCHI	433	9	

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



SHEET 2 OF 5

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 1029-358-CIP	SERIAL NO. 10/848,929
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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	23	5,267,855	12/7/1993	TUNEBERG	433	9	
	24	D340,523	10/19/1993	BARNGROVER	D24	180	
	25	D331,975	12/22/1992	POSPISIL	D24	180	
	26	5,161,969	11/10/1992	Pospisil et al.	433	8	
	27	5,160,261	11/3/1992	Peterson	433	8	
	28	5,154,607	10/13/1992	Hanson	433	8	
	29	5,127,828	7/7/1992	Suyama	422	8	
	30	5,125,832	6/30/1992	Kesling	433	8	
	31	5,125,831	6/30/1992	Pospisil	433	8	
	32	5,095,602	3/17/1992	REHER ET AL.	29	160.6	
	33	D322,482	12/17/1991	IANIERI ET AL.	D24	180	
	34	5,066,225	11/19/1991	FORBES JONES ET AL.	433	8	
	35	5,062,794	11/5/1991	Miura	433	10	
	36	5,044,945	9/3/1991	PETERSON	433	8	
	37	5,030,089	7/9/1991	Kawaguchi	433	8	
	38	5,022,854	6/11/1991	BROUGHTON ET AL.	433	8	
	39	4,917,602	4/17/1990	Broussard	433	8	
	40	4,859,179	8/22/1989	Kesling	433	8	
	41	4,838,786	6/13/1989	REHER ET AL.	433	9	
	42	4,820,151	4/11/1989	Pospisil	433	17	
	43	4,819,316	4/11/1989	Rossini et al.	29	160.6	
	44	4,799,882	1/24/1989	Kesling	433	8	
	45	4,793,804	12/27/1988	Schudy	433	8	
	46	4,752,221	6/21/1998	HANSON ET AL.	433	9	

EXAMINER	DATE CONSIDERED
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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	47	4,712,999	12/15/1987	Rosenberg	433	8	
	48	D291,919	9/15/1987	REYNOLDS	D24	10	
	49	4,669,981	6/2/1987	Kurz	433	9	
	50	D290,040	5/26/1987	KELLY	D24	16	
	51	4,661,059	4/28/1987	KANNO	433	9	
	52	4,659,309	4/21/1987	MERKEL	433	9	
	53	4,626,209	12/2/1986	TSAI ET AL.	433	9	
	54	4,545,760	10/8/1985	Forster	433	18	
	55	4,529,382	7/16/1985	Creekmore	433	9	
	56	4,527,975	7/9/1985	Ghafari et al.	433	8	
	57	4,498,867	2/12/1985	Kesling	433	16	
	58	4,478,577	10/23/1984	Warren, Jr.	433	14	
	59	4,430,061	2/7/1984	WEBB ET AL.	433	9	
	60	4,386,908	7/7/1983	Kurz	433	9	
	61	4,260,375	4/7/1981	Wallshein	433	11	
	62	4,242,085	12/30/1980	Wallshein	433	14	
	63	4,219,617	8/26/1980	Wallshein	433	8	
	64	4,193,195	3/18/1980	Merkel et al.	433	13	
	65	4,103,423	8/1/1978	Kessel	433	10	
	66	3,854,207	12/17/1974	Wildman	433	11	
	67	3,435,527	4/1/1969	Kesling	433	14	
	68	1,890,487	12/13/1932	Angle	433	11	

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## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
						YES	NO
69	DE 692 28 472 T2	1999	Germany	A61C	3/00		X
70	DE 89 03 611	1990	Germany	A61C	7/00		X
71	EP 0 875 211 B1	11/4/1998	Europe	A61C	3/00		
72	EP 0 588 961	3/30/1994	Europe	A61C	3/00		
73	EP 0 397 533	11/14/1990	Europe	A61C	7/00		
74	EP 0 389 223	9/26/1990	Europe	A61C	7/12		
75	EP 0 379 668	8/1/1990	Europe	A61C	7/12		
76	EP 0 317 098	5/24/1989	Europe	A61C	7/00		
77	ES 2 130 174	3/20/994	Spain	A61C	3/00		X
78	FR 2497 657	7/16/1982	France	A61C	7/00	(Abstract Only)	
79	JP11276504 A	10/12/1999	Japan	A61C	7/14	(Abstract Only)	
80	JP 2579431	1996	Japan	A61C	7/14		X
81	JP 3-21236	1991	Japan	A61C	7/14		X
82	JP 2-147112	1990	Japan	A61C	7/14		X
83	JP 1-160547	1989	Japan	A61C	7/00		X
84	JP 64-25847	1989	Japan	A61C	7/00		X
85	WO 04/039276 A2	5/13/2004	PCT	A61C			
86	WO 92/20296	11/26/1992	PCT	A61C	3/00		
87	WO 91/07925	6/13/1991	PCT	A61C	7/14	(Abstract Only)	

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SHEET 5 OF 5

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OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

88	3M Unitek Corporation Catalog (1990), pp. 1-1, 1-3 and 3-7
89	Notification of Transmittal of the International Search Report or Declaration for International Patent Application No. PCT/US03/34430 filed October 29, 2003
90	Ortho Orgainzers, Inc. Advertisement "Journal of clinical Orthodontics"; (Sept. 1989)

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